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PLEASE REPLY TO  
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March 2, 2001

By Hand Delivery

Hon. Nicholas G. Garaufis  
United States District Court  
Eastern District of New York  
Brooklyn Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: European Community, et al. v. RJR Nabisco, Inc., etc.  
Case number: 00 Civ 06617 (NGG)

Dear Judge Garaufis:

We are in receipt of a letter from Craig A. Stewart, dated March 1, 2001, acting for all of the defendants herein, to John J. Halloran, Jr., co-counsel for Plaintiffs in the above action. Mr. Stewart requests an extension of time until March 26, 2001, to reply to Plaintiffs' papers in opposition to the motion to dismiss.

The Plaintiffs strenuously oppose the Defendants' application to extend the briefing schedule on the motion to dismiss. The Colombian complaint was filed in May 2000. The European Community complaint was filed November 3, 2000. This being the case, the Defendants have had many months to prepare their motions to dismiss. Their memoranda already filed total 286 pages and they have attached approximately 1000 pages of

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exhibits. This should be more than enough for them to have expressed every conceivable argument on their motion to dismiss.

The Plaintiffs have raised no issues in their responsive pleadings that were not squarely within the scope of a response to the Defendants' initial papers and/or were totally foreseeable in light of the pleadings. The attachment of a sampling of evidence - principally to address Defendants' argument that the court lacks subject matter jurisdiction - was necessitated by Defendants' position on their motion. Because the evidentiary submission is largely comprised of Defendants' own documents, it is extremely doubtful that Defendants will even attempt to respond to that submission, and the Defendants will tacitly concede subject matter jurisdiction. The material issues all involve U.S. law and those issues should come as no surprise to Defendants. Plaintiffs worked hard in the allotted time to respond to the motion, and Defendants should do the same to meet their deadline to file a reply. Accordingly, two weeks is more than enough time for the Defendants to respond to the Plaintiffs' memoranda.

Furthermore, there are compelling reasons why this phase of this case should be resolved as quickly as possible. There are significant discovery issues in that evidence in the possession of third parties that the Plaintiffs consider important to their case may be lost or destroyed if formal discovery is not begun in the near future. Additionally, the Plaintiffs are extremely concerned about the destruction of documents and/or removal of documents from this country by the Defendants. Although counsel for Philip Morris have, in response to inquiries by the Plaintiffs, assured the Plaintiffs that no relevant or even potentially relevant documents have been or will be transferred to Switzerland, the Plaintiffs have reason to believe that these

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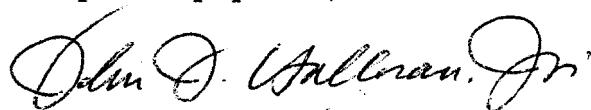
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assertions are incorrect. Furthermore, the Plaintiffs are extremely concerned about the potential loss of witnesses through the passage of time. Since the filing of The European Community complaint, two potentially important witnesses have been assassinated. (The identities and circumstances of these deaths can be presented in camera.) This being the case, just as the Plaintiffs vigorously opposed the Defendants' motion to stay the proceedings, the Plaintiffs would respectfully urge this Court that there be no further delays in these proceedings if at all possible.

The Plaintiffs fully understand that by virtue of the large filings regarding the motions to dismiss and the need for oral argument, it will already take a fair amount of time before this Court can review the materials, have oral argument, and rule upon a motion to dismiss. In light of the fact that this process will likely take a substantial period of time without further delays, the Plaintiffs would respectfully request that no further extensions be granted the Defendants.

Very truly yours,

A handwritten signature in cursive script, reading "John J. Halloran, Jr.", written in dark ink.

John J. Halloran, Jr

JJH/KAM/hmp

All Counsel

By electronic filing and First Class Mail

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